

REMARKS

The Office Action mailed on November 20, 2002, has been received and reviewed. Claims 1 through 13 are currently pending in the above-referenced application. Each of claims 1 through 13 stands rejected.

Reconsideration of the above-referenced application is respectfully requested.

Objection to the Drawings

The drawings have been objected to under 37 C.F.R. § 1.83(a) for not depicting every feature of the invention specified in the claims.

More specifically, the drawings have been objected to for not depicting “an insulative cap over a conductive line,” as recited in claim 11.

FIGs. 1 through 4 of the above-referenced application depict an intermediate structural layer 22, which may be formed from either silicon nitride or undoped silicon oxide and, thus, serve as an insulative cap within the scope of that term as used in claim 11. *See* As-filed Specification, page 11, lines 10 & 11.

As every feature recited in the claims is shown in the drawings, no substitute drawing sheets will be submitted. Additionally, withdrawal of the 37 C.F.R. § 1.83(a) objection to the drawings is respectfully requested.

Rejections Under 35 U.S.C. § 102(e)

Claims 1 through 10 and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,239,017 to Lou et al. (hereinafter “Lou”).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The outstanding Office Action indicates that Lou is prior art to the above-referenced application under 35 U.S.C. § 102(e), which provides, pertinent part:

A person shall be entitled to a patent unless—

(e) the invention was described in—

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent . . .

The application from which Lou issued was filed on September 18, 1998. Lou does not make a claim for priority under 35 U.S.C. § 119 or 120 to any earlier-filed application. Claims for priority in the above-referenced application have been made under 35 U.S.C. § 120 to U.S. Application Serial No. 09/231,346, filed on January 13, 1999 (hereinafter “the ‘346 Application”), of which the above-referenced application is a continuation, and to U.S. Application Serial No. 09/102,152, filed on June 22, 1998, of which the ‘346 Application is a divisional.

As the above-referenced application is entitled to priority, under 35 U.S.C. § 120, provided by the June 22, 1998, filing date, which precedes the September 18, 1998 filing date of Lou, Lou is not 35 U.S.C. § 102(e) prior art to the above-referenced application.

Accordingly, it is respectfully requested that the 35 U.S.C. § 102(e) rejection of claims 1 through 10 and 13 be withdrawn.

Rejections Under 35 U.S.C. § 103(a)

Claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lou, in view of U.S. Patent 5,759,888 to Wang et al. (hereinafter “Wang”).

A rejection under 35 U.S.C. § 103(a) must be based only on art that qualifies as “prior art” under one of the subsections of 35 U.S.C. § 102. 35 U.S.C. § 103(a).

As Lou is not prior art to the above-referenced application, it is respectfully requested that the 35 U.S.C. § 103(a) rejections of claims 11 and 12 be withdrawn.

CONCLUSION

Each of claims 1 through 13 is allowable. An early notice of the allowability of each of these claims is respectfully solicited, as is an indication that the above-referenced application has been passed for issuance. If any issues preventing allowance of the above-referenced application remain which might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brick G. Power", with a checkmark to its right.

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Enclosure: Version with Markings to Show Changes Made

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VERSION WITH MARKINGS TO SHOW CHANGES MADE ✓

IN THE TITLE:

Please amend the title, on both the cover page and at lines 1 through 4 of page 2, as follows:

**SEMICONDUCTOR DEVICE HAVING A SUBSTRATE, AN UNDOPED SILICON
OXIDE STRUCTURE, AND AN OVERLYING DOPED SILICON OXIDE STRUCTURE
WITH A [SIDE WALL] SIDEWALL TERMINATING AT THE UNDOPED SILICON
OXIDE STRUCTURE**

IN THE SPECIFICATION:

Please amend the first full paragraph on page 2 as follows:



This application is a continuation of application Serial No. 09/231,346, filed January 13, 1999, [pending]now U.S. Patent 6,121,671, issued on September 19, 2000, which is a divisional of application Serial No. 09/102,152, [pending]now U.S. Patent 6,117,791, issued on September 12, 2000.

IN THE CLAIMS:

Please amend the claim 8 as follows:

8. (Amended) The semiconductor device of claim 6, wherein said at least one sidewall at least partially defines an aperture through said at least one doped silicon oxide structure.